

REMARKS

Claims 12 and 13 are being amended to obviate the Examiner's objections, while claims 14 and 15 are being cancelled to further prosecution of this application.

The amendments to the claims presented herein do not introduce new matter within the meaning of 35 U.S.C. §132. Accordingly, the Examiner is respectfully requested to enter these amendments.

1. Novel and Unobvious Subject Matter

Applicant kindly thanks the Examiner for acknowledging claims 12 and 13 are novel and unobvious over the cited prior art. Accordingly, to further prosecution, Applicant has cancelled claims 14 and 15 herein without prejudice to the subject matter contained therein, and amended claims 12 and 13 such that they are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to enter the attached claim amendments, which cancel claims 14 and 15, and amends claims 12 and 13 to obviate the Examiner's objections.

Additionally, Applicant has enclosed a Terminal Disclaimer to co-pending U.S. Patent Application No. 10/539,242 herein to obviate the currently pending double patenting rejection.

2. Provisional Double Patenting Rejection

The Office Action states,

Claims 12 and 13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 12 and 13 of copending Application No. 10/539,242. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are generic to, i.e., fully encompass, the claims of the copending application, and therefore, the claims of the instant application are anticipated by the claims of the copending application.

RESPONSE

Applicant has submitted a Terminal Disclaimer to U.S. Patent Application No. 10/539,242. Accordingly, Applicant respectfully requests the Examiner to withdraw the current rejection.

3. Claim Objections

The Office Action states,

Claim 12 is objected to because of the following informalities:

Page 1, line 8 insert "or" between "OSiR^{6A}₃," and "SiR^{6A}₃"

Page 1, line 14 insert "selected" between "atom" and "from"

Page 1, line 17 insert "or" between "C₆-C₂₀-aryl," and "alkylaryl"

Page 2, line 8 delete "geminal or"

Page 2, line 9 delete "vicinal"

Page 3, line 1 replace "R^{2B}" with "R^{4B}"

Claim 13 is objected to because of the following informalities: The structure corresponding to formula (VIIa) is incorrect.

Claim 13 is objected to because of the following informalities:

Page 3, line 12 insert "or" between "OSiR^{6A}₃," and "SiR^{6A}₃"

Page 4, line 5 insert "selected" between "atom" and "from"

Page 4, line 8 insert "or" between "C₆-C₂₀-aryl," and "alkylaryl"

Claim 14 is objected to because of the following informalities:

Page 5, line 8 insert "or" between "OSiR^{6A}₃," and "SiR^{6A}₃"

Page 5, line 14 insert "selected" between "atom" and "from"

Page 5, line 17 insert "or" between "C₆-C₂₀-aryl," and "alkylaryl"

Page 6, line 10 delete "geminal or"

Page 6, line 11 delete "vicinal"

Claim 15 is objected to because of the following informalites: The structure corresponding to formula (VIIa) is incorrect.

Claim 15 is objected to because of the following informalities:

Page 7, line 5 insert "or" between "OSiR^{6A}₃," and "SiR^{6A}₃"

Page 7, line 11 insert "selected" between "atom" and "from"

Page 7, line 14 insert "or" between "C₆-C₂₀-aryl," and "alkylaryl"

Appropriate correction is required for all claim objections.

RESPONSE

Applicant has cancelled claims 14 and 15 rendering the above objections moot.

Additionally, Applicant has amended claim 12 to incorporate most of the Examiner's suggestions therein. However, Applicant traverses the Examiner's suggestions relating to deleting "geminal or" and "vicinal" from claim 12. Applicant believes currently pending claim 12 complies with 35 U.S.C. 112, and is novel, useful, and unobvious over the prior art of record. As such, Applicant believes the current objection should be withdrawn.

However, Applicant is willing to amend claim 12 to delete the phrase and term "geminal or" and "vicinal", respectively, if the Examiner is willing to acknowledge that such an amendment does not relinquish any claim scope therein, and such an amendment is being done merely for informal purposes. Accordingly, Applicant respectfully requests the Examiner to withdraw the objections to claim 12.

Moreover, Applicant has amended claim 13 to incorporate the Examiner's suggestions therein. Accordingly, Applicant respectfully requests the Examiner to withdraw the objections to claim 13.

4. Rejection of Claims 14 and 15 Under 35 U.S.C. §102(b)

The Office Action states that claims 14 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by 6,723,675 (herein referred to as "Wang"). In particular, the Office Action states, Wang discloses lithium 5-[(2-pyridyl)methyl]tetramethylcyclopentadienide anion (col. 11, lines 9-28) from the corresponding conjugated cyclopentadienide precursor (col. 11, lines 13-16). Both the anion and precursor have structures that satisfy the structural requisites of the instant claims.

RESPONSE

Claims 14 and 15 have been cancelled rendering the above rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

5. Rejection of Claim 14 Under 35 U.S.C. §103(a)

The Office Action states that claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over WO 01/12641, equivalent to U.S. Patent 6,919,412 (herein referred to as "Mihan, et al."). In particular, the Office Action states,

Mihan et al. teaches ligand anion (II) in claim 1. One notes that the n-ligand has bridging group B and pendant moiety Z. The bridging group is of formula $L^2(R^{13})(R^{14})$ where L^2 is carbon or silicon. Z is a heterocyclic moiety, and page 8 shows that this is a 2-pyridyl or 8-quinolyl group, and substituted derivatives thereof (page 8, lines 45-47). Surprisingly, the examples of Mihan et al. do not show a single organometallic complex containing the requisite bridging group $L^2(R^{13})(R^{14})$, as disclosed in the body of the patent. There is disclosed the complexes (8-quinolinyl)(Ind)CrCl₂ and (2-Me-8-quinolinyl)(Me₄C₅)CrCl₂, which contain ligand anions [(8-quinolinyl)(Ind)] and [(2-Me-8-quinolinyl)(Me₄C₅)], in examples 8 and 10, where the quinolinyl moiety is bound directly to the Cp ligand, but

no bridging group exists in either complex (see experimental and supporting ^1H NMR data). Despite this, one of ordinary skill in the art would have found it obvious to follow the teachings of the disclosure and claims and make the corresponding bridged derivatives of these compounds because this is the actual scope of the disclosure of the patent. Therefore, one of ordinary skill in the art would have found it obvious to make ligands anions $[\text{L}^2(\text{R}^{13})(\text{R}^{14})](8\text{-quinolinyl})(\text{Ind})]$ and $[\text{L}^2(\text{R}^{13})(\text{R}^{14})](2\text{-Me-8-quinolinyl})(\text{Cp})]$ and thereby arrive at the catalyst of the instant claims.

RESPONSE

Claim 14 has been cancelled rendering the above rejection moot. Accordingly, withdraw of the rejection is respectfully requested.

CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the references of record. The Examiner is therefore respectfully requested to reconsider and withdraw all rejections and allow pending claims 12 and 13. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner with any questions or comments.

Respectfully submitted,

By: Jarrod N. Raphael
Jarrod N. Raphael
Registration No. 55,566
William Reid
Registration No. 47,894
Customer No. 34872

Date: June 15, 2007
Basell USA Inc.
912 Appleton Road
Elkton, MD 21921
Telephone No.: 410-996-1750
Fax No.: 410-996-1560

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 15 2007


Signature

June 15 2007
Date